

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FISHER INDUSTRIES, FISHER SAND
AND GRAVEL CO., AND NEUHAUS &
SONS, LLC,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CASE NO. 7:19-CV-403

JOINT STATUS REPORT and AGREED MOTION FOR CONTINUANCE

NOW COMES, Plaintiff, UNITED STATES OF AMERICA, and Defendants NEUHAUS & SONS, LLC, FISHER SAND AND GRAVEL CO., FISHER INDUSTRIES, AND TGR CONSTRUCTION, INC, and would provide this status report to the Court and request a thirty day continuance of the status conference currently scheduled for August 5, 2020, and would respectfully show unto the Court as follows:

1. Engineers from the IBWC and from TGR/Fisher meet and conferred on July 22, 2020 and as a result of that meeting, TGR has promised to come up with a plan to address the deflection point identified by the IBWC, and has promised to provide additional modeling to the IBWC. This will take some time to develop, submit, and for the IBWC to review.
2. The fence inspection was scheduled for Monday, July 27, 2020 but was cancelled due to Hurricane Hanna which came through the area around that same time. The parties have rescheduled the inspection for August 3, 2020.

3. The parties are working to try and resolve the issues and additional time is needed to accomplish that.

The parties are working together to try and resolve any remaining issues and do not have anything further to report to the Court aside from the fact that additional time is needed to work on these issues. Accordingly, the parties believe that a thirty day continuance of the status conference from August 5, 2020 would be beneficial at this time.

WHEREFORE PREMISES CONSIDERED, the parties request that the status conference scheduled for August 5, 2020 be continued until the first week of September, 2020.

Respectfully submitted,

/s/ E. Paxton Warner*
E. Paxton Warner
Assistant United States Attorney
Counsel for Plaintiff
United States of America

Date: 7/30/20

/s/ Lance Kirby*
Lance Kirby
Counsel for Defendant
Neuhaus & Sons, LLC

Date: 7/30/20

/s/ Mark J. Courtois
Mark J. Courtois
Counsel for Defendants
Fisher Industries,
Fisher Sand & Gravel, Co. and
TGR Construction, Inc.

Date: 7/30/20

**signed by permission by MJC*